

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Newport News Division

MARY EVELYN GANDEE,

Plaintiff,

v.

Civil No. 4:19cv74

ANDREW M. SAUL,
Commissioner of Social Security,

Defendant.

FINAL ORDER

Plaintiff Mary Evelyn Gandee brought this civil action pursuant to 42 U.S.C. §§ 405(g) and 1383(c)(3) seeking judicial review of the decision by the Commissioner of the Social Security Administration (“Commissioner”) to deny her claim for Supplemental Security Income under Title XVI of the Social Security Act (42 U.S.C. §§ 1381-1383f). Ms. Gandee raised a single assignment of error in the decision by the Administrative Law Judge (“ALJ”) that heard her claim, arguing the decision failed to properly apply binding precedent by accounting for limitations in concentration, persistence, and pace. *See Mascio v. Colvin*, 780 F.3d 632 (4th Cir. 2015).

Pursuant to the provisions of 28 U.S.C. §§ 636(b)(1)(B) and Rule 72(b) of the Federal Rules of Civil Procedure, and by order of reference (ECF No. 10), this matter was referred to a United States Magistrate Judge for a Report and Recommendation.

In his Report and Recommendation (“R&R”) the Magistrate Judge recommended DENYING Plaintiff’s Motion for Summary Judgment (ECF No. 12), GRANTING Defendant’s Motion for Summary Judgment (ECF No. 14), and AFFIRMING the underlying decision of the Commissioner by the ALJ. See R&R, ECF No. 17.

By copy of the R&R, each party was advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge within fourteen days from the date the R&R was mailed, pursuant to Rule 6(a) of the Federal Rules of Civil Procedure. The time for filing written objections has passed, and neither party has filed objections. As indicated in the R&R, “failure to file timely objections to the findings and recommendations set forth [in the R&R] will result in waiver of right to appeal from a judgment of this Court based on such findings and recommendations.” *Id.* at 21.

This Court has reviewed the R&R and hereby **ADOPTS** and **APPROVES** in full the findings and recommendations set forth therein. Accordingly, it is hereby **ORDERED** that Plaintiff’s Motion for Summary Judgment (ECF No. 12) is **DENIED** as detailed in the R&R, and that the Commissioner’s Motion for Summary Judgment (ECF No. 14) is **GRANTED** as detailed in the R&R. The Clerk is **REQUESTED** to send a copy of this Order to counsel for Mary Evelyn Gandee and all counsel of record.

IT IS SO ORDERED.

/s/
Arenda L. Wright Allen
United States District Judge

September 28, 2020
Norfolk, Virginia